



Board of Election Commissioners for the City of Chicago
Minutes of Regular Board Meeting
September 11, 2018, 10:00 a.m.

69 West Washington Street, 8th Floor Conference Room, Chicago, Illinois 60602

Board Members:

Marisel A. Hernandez, Chairwoman
William J. Kresse, Commissioner/Secretary
Jonathan T. Swain, Commissioner

Staff:

Lance Gough, Executive Director
Adam W. Lasker, General Counsel
Charles Holiday, Assistant Executive
James P. Allen, Communications Director
Bill Perez, Coordinator Hispanic Outreach
Peter Peso, Deputy Chief Administrative Officer
Lorel Blameuser, Purchasing Agent
Dean Ftikas, Consultant
Gary Ryczyn, Consultant
Trupti Patel
Geneva Morris, Videographer
Trish Sheehy

Guests:

Clare Tobin, Illinois Ballot Integrity
Helene Gabelnick, League of Women Voters of Chicago (LWV Chicago)
Judd Ryan, ES&S
C. Betty Magness, Rainbow PUSH Coalition
Rachel Leven, Better Government Association (BGA)
Bebe Novich, Equip for Equality
Lora Chamberlain, Clean Count Cook County
Don Olson
Ed Mullen, Attorney
Waldeep Singh, DVS
Andrew Williams, Cook County Counts

- I. Call to Order: The Chairwoman called the meeting to order at 10:00 a.m.

- II. Roll Call: All members were present.
- III. Consideration of Agenda: The agenda was accepted as presented.
- IV. Approval of Minutes:

- A. Minutes of the Regular Board Meeting of July 24, 2018

Commissioner Swain moved to approve the Minutes of the Regular Board Meeting of July 24, 2018. Commissioner Kresse seconded the motion. The motion passed and Minutes were approved by unanimous vote of the Board

- V. Executive Director's Report

Executive Director Lance Gough reported:

- We have received 23,562 applications for Vote by Mail (VBM) ballots to date.
 - 2,900 were received yesterday; these are not yet in our system.
 - Communications Director Jim Allen stated that we have 7,000 VBM applications in our online pipeline that will be coming in later today.
- Consultant Gary Ryczyn gave a status of the "A-ballot" production and estimate on when they will be at 3XData (our ballot fulfillment and mailing vendor).
- Mr. Gough will have more information regarding the "B-ballot" after tomorrow's Electoral Board hearings. The B-ballot has referenda on it.
- General Counsel Adam Lasker said that the number of VBM applications are about twenty times higher than at this time in the last election when the Governor's office was on the ballot. Mr. Allen pointed out that we didn't have an email campaign to notify voters, for a more realistic comparison we will have to look at the 2016 Election.
- Our precinct poll worker report is not good. Right now we have many precincts with no poll workers, or no Republican poll workers.
- Mr. Gough introduced Ms. Bebe Novice of Equip for Equality who provided this report on the accessibility projects:
 - Bebe Novich introduced herself and noted that while she is new at Equip for Equality (EFE), she has 13 years' experience with Department of Justice (DoJ) – Americans with Disabilities Act (ADA) matters. Served as ADA policy director at Chicago Public Schools (CPS). Ms. Novich is Familiar with Chicago's landscape of ADA and schools.

We have been getting a lot of calls because of reports that the State of Georgia was shutting down several polling places that were not ADA compliant. People are asking if we are closing polling places that are not compliant. We are working with EFE to bring everything to compliance. Not only polling places but poll workers training. We are not shutting down places without finding new locations.

Mr. Gough continued his report:

- We met with CPS Friday. Among the issues discussed: Board employees not being allowed into the schools because they have not gone through a background check with CPS. We are working with CPS on this matter. Commissioner Swain asked how we are working it out. Mr. Lasker answered that CPS hasn't figured out how they are going to process it. We expressed our concern particularly because of Election Day. Trying to work out a solution by using direct outside access to the polling places (thus no need to enter through the school). Mr. Gough stated that we are meeting with CPS' head of security on this.

Communications Director Jim Allen pointed out that we, for years, have run our Judges of Election and Election Coordinators lists against the registered sex offenders list, including swear in judges, since 2007. This is for every Judge of Election, not just those assigned to schools.

Mr. Lasker pointed out that we now have a much better cooperation with CPS, and together we are trying to get polling place locations determined within each school.

- We are good with recruiting of Election Coordinators.
 - A. Assistant Executive Director Charles Holiday reported:
 - Congratulations to Jim Carli and the Registration Department regarding how professionally they conducted the Electoral Board record exams;
 - Going through 2nd processes check registrations that may have changed address since signing;
 - Online registration processing in between RE and verification;
 - 80,000 returned undeliverable or changed verification of registration cards ("voter id cards") are being scanned to get our files up to date (following the mail canvass);
 - Last Thursday was the deadline for filing Declarations to be a Write-In candidate. We are waiting 5 days (i.e., until today) for any declarations that may have been mailed before publishing a complete list;
 - The Board's Human Resource Department is accepting applications for Early Voting poll workers;
 - Community Services has begun training.
 - Translators are working on translating ballots.
 - B. Communications Director Jim Allen reported:
 - In 2016 we sent out approximately 100,000 Vote by Mail (VBM) ballots about 80,000 were returned. During World War II we had approximately 116,000 (absentees). For this election we expect to have more than 180,000 VBM and more than 200,000 people to vote at Early Voting. So, we estimate close to 400,000 voters will have voted before Election Day. The touchscreen voting

devices have about 18 screens of voting because of the 2 (paper) double-sided ballots per voter being used on Election Day.

- o Need 2 versions of each ballot code – screen vs paper.
- o Signs, banners and other printing are in progress.
- o On October 1st and 2nd The Illinois Political Reform Committee will be hosting a forum and will have a representative from the Denver election authority, presenting how they prepared their system of all mail ballots, including drop boxes that function essentially like a precinct.

VI. Old Business

A. Infrastructure Projects and Changes in Election Administration: We are working on that

B. Electronic Poll Books: Mr. Holiday reported that vendor ES&S has prepared training

C. Voting Equipment: on going.

D. Legislation: Mr. Lasker reported that there has been no movement on bills that we are tracking. The Pretrial Detainee bill has been vetoed. We are working with groups for November pretrial detainee application and ballot processing.

VII. New Business:

A. Consideration and possible approval of a policy to request that candidates voluntarily provide their telephone number and email address when filing nomination papers for publication on the Board of Elections' candidate list.

Mr. Lasker stated that the Better Government Association (BGA) recommended that we have access to candidate information.

The Chairwoman read the proposed Resolution:

RESOLUTION

WHEREAS, the Board of Election Commissioners for the City of Chicago (the "Board") receives and processes candidate nominating petitions for elected offices in and for the City of Chicago, Illinois; and

WHEREAS, the Board compiles and publishes a list of general information about those candidates, the offices they are seeking and the addresses at which they reside; and

WHEREAS, the Board has been contacted by members of the public, including but not limited to the Better Government Association, requesting

that the Board gather and publish telephone and email contact information for those candidates; and

WHEREAS, the Board finds that providing candidate contact information is a valuable public service that may increase voter awareness and communications between candidates, the electorate and journalism media without unduly burdening the Board's resources.

IT IS THEREFORE AND HEREBY RESOLVED AND ORDERED that the Board's staff and General Counsel shall work collaboratively to enact all reasonable and necessary policies and procedures to carry out the intent of this Resolution and shall solicit from candidates who filed nomination papers with the Board that they voluntarily provide their telephone and email contact information, and said contact information shall then be published on the Board's candidate-information webpage, along with publication in any other reasonably effective and cost-efficient medium approved by the Executive Director. All candidates shall be provided equal opportunities to provide said contact information to the Board and to seasonably update and keep current that information.

Dated this 11th day of September, 2018, at Chicago, Illinois.

BOARD OF ELECTION COMMISSIONERS

FOR THE CITY OF CHICAGO "

Commissioner Kresse moved to approve the Resolution as read. Commissioner Swain seconded the motion approving the Resolution. The motion was passed by unanimous vote of the Board.

B. Approval of a lease agreement with 175 Washington LLC for an early-voting super site and election judge training center at 175 W. Washington St. for the November 2018, February 2019 and April 2019 elections.

Mr. Gough expressed the concern for the amount of time it will take each voter to vote the full ballot, approximately 16 minutes each ballot, not including blind voters who would use the audio features which takes longer to vote a ballot. Because of the length of time we need space to accommodate 100-150 touchscreen units. The 175 W. Washington space is not as large as 15 W. Washington (which was not available to lease), but is larger than 16 W. Adams (a site we had previously used for Early Voting)

The Chairwoman thanked Dean Ftikas for his work on this. The electrical service and other requirements at this new Early Voting site are better set up than in the past.

Commissioner Swain moved to approve the property use agreement with 175 Washington LLC for an early-voting super site and election judge training center at 175 W. Washington St. for the November 2018, February 2019 and April 2019

elections. The term of the agreement would be from September 11, 2018 through April 15, 2019 with for a sum of \$150,000 in 3 equal installments of \$50,000, 1 before each election. Commissioner Kresse seconded the motion. The motion passed and the agreement was approved by a 3:0 vote of the Board.

C. Approval of contract with Cardinal Color Group for Printing of Pre-Election Household Mailing.

Mr. Allen stated that this is the first time Cardinal Color Group will be printing for the pre-election household mailing. They had done the mail canvass for us and did a good job, Mr. Allen think's they will do fine with this.

Purchasing Agent Lorel Blameuser pointed out that Cardinal Color Group was the lowest bidder.

Commissioner Kresse moved to approve a contract with Cardinal Color Group for Printing of Pre-Election household mailing for a 1-year term beginning September 11, 2018 through September 10, 2019 in the amount of \$40,100.

Commissioner Swain seconded the motion. The motion passed by unanimous vote of the Board.

D. Board action pursuant to 10 ILCS 5/10-8 and Section 500.11 of the Board's General Rules on Administration to determine whether the following petitions for advisory questions of public policy are in apparent conformity with mandatory provisions of the Illinois Election Code:

General Counsel Lasker reported that the Board received more than 40 petitions for referenda at the ward-wide or precinct-wide level of various questions. The Board's team has gone through its apparent conformity check and identified four petitions that failed to submit the minimum requirement of signatures.

Chairwoman stated that the Board could take the four as one motion;
Ward 20:

"Shall the City of Chicago be required to provide full funding for the creation of a sanctioned National Junior College Athletic Association (NJCAA) Baseball Team at Kennedy-King College, to begin no later than the 2020 baseball season?"

the petition at issue herein is required to contain at least 866 signatures, yet only 295 signatures were filed.

Ward 20:

"Shall the City of Chicago hold hearings on lead in the water?"

the petition is required to contain at least 866 signatures, only 57 signatures were filed.

Ward 33, Precinct 24:

"Shall the City of Chicago hold hearings on drinking water safety, including the City's compliance with the Safe Drinking Water and Clean Water Acts and on protocols for lead testing and decontamination of water sources, following recent lead testing of Chicago tap water?"

Here the petition at issue herein is required to contain at least 43 signatures, only 26 signatures were filed.

Lastly; Ward 40, Precinct 22:

"Shall the City of Chicago hold hearings on drinking water safety, including the City's compliance with the Safe Water Drinking Act and Clean Water Act and on protocols for lead testing and decontamination of water sources, following recent lead testing of Chicago tap water?"

The petition was required to contain at least 28 signatures, yet only 22 signatures were filed.

The Chairwoman stated that those are the four petitions at issue. The Chairwoman entertained a motion to find that each of these petitions is not in apparent conformity with mandatory Election Code provisions, that the requested public questions not be certified to the ballot, and authorizing the General Counsel to draft and serve official notices to the petition proponents within two business days. Commissioner Kresse so moved. Commissioner Swain seconded the motion. The motion passed by unanimous vote of the Board.

- E. Approval to renew and amend the contract between the Chicago Board of Election and APRO EXECS, LLC in accordance with sections 3.04 and 9.13 of the agreement for Temporary Staffing Services, 2018 Elections – 2019 Elections.

Ms. Blameuser reported that these are amendments to previously approved agreements. We are looking to extend the term of the agreements to include the two municipal elections. The current agreement expires in December of this year. With this amendment we are also looking to the dollar amount – because of the minimum wage increase which the Board adopted through the City. The increases to the minimum wage rates authorizes all vendors with contracts with the City of Chicago to have an increase of 2.6 percent. In addition to, in 2016 election we had

to do an emergency amendment for warehouse temp staffing. We are asking to incorporate those warehouse temp positions for the short term of the extension that would take us through the end of the April election, May of 2019.

The original contract was for \$700,000 but we have exceeded that amount. To date we have paid A-Pro approximately \$1.1 million. The Chairwoman asked Ms. Blameuser if she thought that 1.5 million would be enough. Mr. Blameuser explained that \$1.5 million is an estimated that she thinks will be sufficient. If it is not she will return to the Board for additional funding.

Commissioner Kresse moved to approve the amendment to the temporary staffing service contract with A-pro Execs, LLC. with a term expiring April 30, 2019 in an amount not to exceed \$1,500,000. Commissioner Swain seconded the motion, the motion was approved by a 3:0 vote of the Board.

- F. Approval to renew and amend the contract between the Chicago Board of Election and Mack & Associates, Ltd. in accordance with sections 3.04 and 9.13 of the agreement for Temporary Staffing Services, 2018 Elections – to include the 2019 Elections and increase the minimum wage to \$20.79 per hour20.79/hours

Ms. Blameuser explained that Mack is the secondary temporary staff provider and fulfills orders where A-Pro cannot provide staff. This amendment includes an extension of time to include the 2019 elections and an increase in the minimum wage, it does not increase the \$300,000 cap of the original agreement that was approved by the Board as we have not spent the previously approved amount.

Motion to approve the extension of the agreement with Mack & Associates for a term to expire April 30, 2019 with an increase to the minimum wage to \$20.79 an hour for the 5 month period of December 1, 2018 through April 30, 2019 was made by Commissioner Swain and seconded by Commissioner Kresse. The Board approved, by unanimous vote, the motion.

VIII. Legal Report

- General Counsel Lasker reported that there would be an Electoral Board tomorrow at 2:00 p.m. Hearing Officer Barbara Goodman has submitted her recommendations in a couple of cases related to a citywide referenda. There is a secondary matter related to these petitions involving a records exam, and the Board will hopefully be able to meet regarding those cases shortly.
- *Segovia* is a case that is in the Supreme Court involving a *writ of certiorari*, regarding voters' rights when a person moves to US territories. We are waiting to see if the Court accepts our letter or if they want a more substantive response. We have asked the State Attorney General to defend the law, but she declined
- The U.S. District Court has dismissed the case of *Acevedo et al., vs. the State Board of Elections*; we were a nominal defendant to this case. With the Judge's dismissal, she

ruled in favor of the Illinois State Board of Elections Motion to Dismiss, thus upholding the signature requirement.

- We are looking toward the 2019 elections, and are preparing processing for nomination and objection petitions.

IX. Financial Report

- A. Balance Sheet and Voucher Listings for the City of Chicago – 2018
Appropriation – 18-07 dated August 28, 2018 in the amount of \$391,510.71

Commissioner Kresse moved to approve the Balance Sheet and Voucher Listing for the City of Chicago 18-07 in the amount of \$391,510.71. Commissioner Swain seconded the motion. The motion was approved by a 3:0 vote of the Board.

- B. Balance Sheet and Voucher Listings for the County of Cook – 2018
Appropriation – 18-07 dated August 28, 2018 in the amount of
\$1,118,394.44

Commissioner Swain move to approve the Balance Sheet and Voucher listing 18-07 for the County of Cook in the amount of \$1,118,394.44. Commissioner Kresse seconded the motion and the motion was approved by unanimous vote of the Board.

X. Public Comment

- Clare Tobin, Illinois Ballot Integrity stated:
 - She participated in the Records exam for the “Quinn” referendum. Ms Tobin stated that the Board staff was fine. Ms. Tobin stated that the Board’s actual files for the Records Exam did not include the apartment numbers, and it was hard to find voters’ signatures without the apartment number
 - Ms. Tobin also commented on the “Rule of 3” regarding the limitation on the number of referenda on a ballot.

The Chairwoman stated that each Commissioner took an oath to follow the law, and will do so.

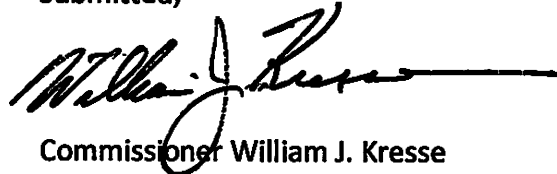
As to the apartment number situation, Mr. Lasker explained that we draw the data into the County’s [Joint Petition Project] JPP system which did not allow us to look up by address with apartment number. Mr. Holiday said that as of now one can enter an apartment number (if listed on the petition) to look up a signature. This situation was remedied during the records exam. Mr. Lasker pointed out that through case law, the apartment is not mandatory to be added on the petition.

- Lora Chamberlain: Clean Count Cook County
 - Ms. Chamberlain also commented on the “Rule of Three.”

XI. Executive Session: Not needed.

XII. Adjournment: Commissioner Kresse moved to adjourn. Commissioner Swain seconded the motion. The motion passed by 3:0 vote of the Board. The meeting was adjourned at 10:57 a.m.

Submitted,

A handwritten signature in black ink, appearing to read "William J. Kresse", followed by a long horizontal line extending to the right.

Commissioner William J. Kresse
Secretary